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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,437	07/29/2003	Mutsumi Naniwa	Q75422	5295

7590 04/27/2004
SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, NW
Washington, DC 20037-3213

EXAMINER


FUNK, STEPHEN R

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 04/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/628,437	NANIWA, MUTSUMI	
	Examiner	Art Unit	
	Stephen R Funk	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on ____.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-5 is/are pending in the application.

4a) Of the above claim(s) ____ is/are withdrawn from consideration.

5) ☐ Claim(s) ____ is/are allowed.

6) ☒ Claim(s) 1-5 is/are rejected.

7) ☐ Claim(s) ____ is/are objected to.

8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on 29 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:

1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: ____.

The disclosure is objected to because of the following informalities: In claim 4 lines 5 - 6 and on page 5 lines 17 - 18, and throughout the specification, “emulsion’s disruption controller” should be grammatically corrected. Furthermore, on page 12 line 15 “with cooler”, on page 21 lines 5 “A variety of ink agitator”, and on page 22 line 5 “While the lithographic printing method,” should also be corrected. Appropriate correction is required.

Claims 1 - 5 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Each of claims 1 and 4 recite that the emulsion disruption is changed “before *and* after” the start of printing. Although the specification occasionally uses this terminology (see page 11 lines 8 - 9 and page 12 line 20, for example), the remaining disclosure and Figures 2A-2C, 3A-3C, 4A-4C, 5A-5C, 6, and 7 only show the disruption being changed simultaneously or before *or* after the start of printing, but not both. See pages 15 - 18 in the specification. Accordingly, the disclosure does not appear to support the recitations in claims 1 and 4 of changing the disruption both before *and* after the start of printing.

Due to the apparent lack of proper support in the specification for the claimed embodiment, the prior art of record cannot be accurately applied at this time.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See the paragraph bridging columns 1 and 2, the paragraph bridging columns 3 and 4 (in particular, column 4 lines 2 - 5), and the paragraph bridging columns 4 and 5 (in particular,

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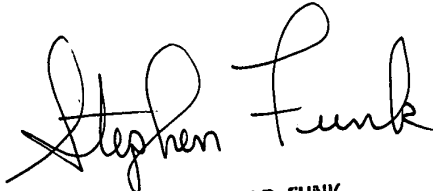
column 4 lines 63 - 66) of Yoshida et al. (US 4,176,605), the entire document of Frankenberger (US 2002/0000171) although this reference appears to teach the opposite of "disrupting", column 2 lines 58 - 66 and column 4 lines 1 - 26 of Warner ('864), column 3 lines 49 - 65 and column 7 lines 58 - 63 of Warner ('827), and the breaking up of the emulsion in the ink feeder of JP 58-211,484.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen R. Funk whose telephone number is (571) 272-2164.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Hirshfeld, can be reached at (571) 272-2168.

The fax phone number for ALL official papers is (703) 872-9306. Upon consulting with the examiner *unofficial* papers only may be faxed directly to the examiner at (571) 273-2164.

SRF
April 22, 2004



STEPHEN R. FUNK
PRIMARY EXAMINER